

HRD 1-7-05

FILED
COURT OF APPEALS
DIVISION II

05 MAR 22 AM 11:34

STATE OF WASHINGTON

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

DAVID MOELLER,

Appellant/
Cross Respondent,

v.

FARMERS INSURANCE
COMPANY OF WASHINGTON
and FARMERS INSURANCE
EXCHANGE,

Respondents/
Cross Appellants.

'84500-0

No. 30880-1-II

STATEMENT OF
ADDITIONAL
AUTHORITIES IN SUPPORT
OF CROSS APPEAL

Pursuant to RAP 10.8, Respondents/Cross Appellants


Farmers Insurance Company of Washington and Farmers Insurance
Exchange respectfully call the Court's attention to the recent
decision of the United States Court of Appeals for the Fifth Circuit
in Unger v. Amedisys Inc., No. 03-30965, 2005 WL 375684 (5th Cir.
Feb. 17, 2005). The authority is offered in further support of the
proposition that class certification is improper unless the trial court

finds—not merely assumes—the facts favoring class certification.

Id. at *2.

DATED this 21st day of March, 2005.

STOEL RIVES LLP

By 
Jill D. Bowman, WSBA #11754
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Seattle, WA 98101
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Attorneys for Respondents/Cross
Appellants Farmers Insurance
Company of Washington and
Farmers Insurance Exchange

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CERTIFICATE OF SERVICE
AND FILING

I, LaVonne J. Arregui, certify that at all times mentioned herein I was and now am a citizen of the United States of America and a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On March 21, 2005, I caused a true and correct copy of the following documents to be served upon the following individuals in the manner indicated:

1. Statement of Additional Authorities In Support of
Cross Appeal; and

2. Certificate of Service and Filing.

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Tacoma, WA 98402-4441

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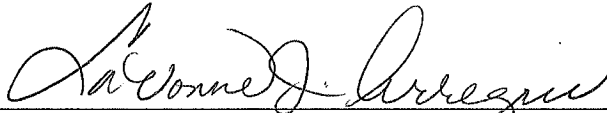
On the same date, I caused an original and one copy of the
documents to be filed by mailing the same by U.S. First Class Mail,

postage prepaid, to:

David Ponzoha
Clerk/Administrator
Court of Appeals, Division II
950 Broadway, #300
Tacoma, WA 98402

I declare under penalty of perjury under the laws of the State
of Washington that the foregoing is true and correct.

Executed on March 21, 2005, at Seattle, Washington.



LaVonne J. Arregui, Legal Secretary